



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33432 of 2013

And

M.P.No.1 of 2013

M/s. Bharat Sanchar Nigam Ltd.,
(A Government of India Enterprise)
rep. by its Senior General Manager,
Puducherry Telecom District
Rangapillai Street, Puducherry - 605 001.

...Petitioner

Vs

1. The Superintending Engineer - III
Electricity Department
Government of Puducherry, Puducherry.
2. The Executive Engineer
Division- IV, Electricity Department
Government of Puducherry, Puducherry.
3. The Junior Accounts Officer,
Revenue - II, Electricity Department
Government of Puducherry, Puducherry.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned order No. 906/ED/JAO/REV-II/U.8 / 2013-2014 dated 30.05.2013 issued by the third respondent herein and quash the same.

For Petitioner : Mr. L.Swaminathan

For Respondents : Mr. J.Kumaran
Additional Public Prosecutor
Puducherry



O R D E R

The demand for settlement of outstanding arrears issued in proceedings dated 30.05.2013 is under challenge in the present Writ Petition.

2. The petitioner BSNL raised an objection for the demand mainly on the ground that there was an enormous delay in sending the bills, for which, the petitioner cannot be penalised.

3. The learned counsel for the petitioner made a submission that with reference to the current bills, the petitioner had accepted the same and in respect of the bills, which were sent belatedly, the reason for objection on various grounds. It is clarified that the original bills were already settled by the petitioners and the revised bill raised after several years alone is questioned by the petitioner.

4. However these disputed issues required an adjudication in an elaborate manner and such an enquiry cannot be conducted by the High Court in a Writ Petition under Article 226 of the Constitution of India. Under Section 42(5) of the Electricity Act 2003, the Consumer Grievance Redressal Forum is constituted for the purpose of resolving such disputed issues between the parties.

5. The learned Additional Government Pleader, Puducherry, also urged this Court by stating that the petitioner has to approach the forum for resolving the issues.

6. Under these circumstances, the petitioner is at liberty to approach the Consumer Grievance Redressal Forum for the purpose of adjudication of issues on merits and in accordance with law by submitting all relevant documents and evidences. The applicant in the event of filing of an application, the Grievance Forum shall consider the period during which the Writ Petition was pending before the High Court for the purpose of condoning the delay in filing the delay or otherwise if any application is filed to condone the delay. The issues raised between the parties are directed to be adjudicated on merits and in accordance with law as expeditiously as possible.



7. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

vsg
To

1. The Superintending Engineer - III
Electricity Department
Government of Puducherry, Puducherry.
2. The Executive Engineer
Division- IV, Electricity Department
Government of Puducherry, Puducherry.
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+1 CC to The Government Pleader sr 64185.

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PVS (CO)
SP(15/12/2021)